

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF SOMERTON

THIS AMENDMENT is entered into 21st July, 2003, **Amendment Number 1** to JPA 02-144, AG Contract No.: KR02-2048TRN, filed with the Secretary of State under No 25704, pursuant to Arizona Revised Statutes Sections 11-951 through 11-954, as amended between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF SOMERTON, acting by and through its MAYOR AND CITY COUNCIL, the (City).

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

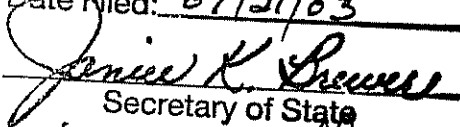

The parties desire to amend the above-referenced Agreement to include a pathway lighting at the detention basin and lighting for the landscaping maintenance area and irrigation systems.

THIS AGREEMENT IS AMENDED AS FOLLOWS:

1. Recital 3 is deleted and replaced with the following language:

3. The State and City are in mutual agreement to construct 6-8 foot American with Disabilities Act (ADA) multi-use, paved pathway with lighting and landscaping approximately 250 feet north of US 95 near milepost 11.00 along the west side of Avenue F, across from Desert Sonora Elementary School. The parties hereto agree that the State will construct the project, and the City will provide maintenance and electrical power necessary to operate the pathway

#01

NO. 25704
Filed with the Secretary of State
Date Filed: 07/21/03

Secretary of State
By: 

II. SCOPE OF WORK

The following shall replace Article II 2.e:

e. Upon completion of the construction Project, provide funding in its annual budget and be responsible for, the **lighting along the pathway and landscape** maintenance area. Furnish all electrical power necessary to operate the irrigation system including all testing, adjusting, repairing and operation of the irrigation and lighting system.

The following has been added to Article III. 8:

8. This agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona, and incorporated herein by reference regarding "Non-discrimination"

EXCEPT AS AMENDED HEREIN, ALL OTHER terms and conditions of the original Agreement remains in full force and effect.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SOMERTON

By


AGUSTIN TUMBAGA
Mayor**STATE OF ARIZONA**


Department of Transportation

By


SUSAN TELLEZ
Contract Administrator

ATTEST

By


City Manager



OFFICE OF THE
MAYOR
CITY OF SOMERTON

Resolution

NO. 787

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOMERTON, ARIZONA AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY MANAGER TO ATTEST TO ANY AND ALL DOCUMENTS PERTAINING TO AMENDMENT NUMBER ONE OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SOMERTON AND THE STATE OF ARIZONA FOR LANDSCAPING AND MAINTENANCE OF THE SOMERTON DETENTION BASIN LOCATED ON AVENUE F.

WHEREAS, The City is desirous of entering into a certain document the Amendment Number One of the Intergovernmental Agreement with the State of Arizona for landscaping and maintenance of the Somerton Detention Basin located on Avenue F and,

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Somerton, Arizona as follows: That Agustin Tumbaga Jr., Mayor, is authorized to execute, and Cliff O'Neill, City Manager, is authorized to attest, on behalf of the City of Somerton, Arizona, any documents related to Amendment Number One of the Intergovernmental Agreement with the State of Arizona.

PASSED AND ADOPTED this 1st day of July, 2003.



Agustin Tumbaga Jr., Mayor

ATTEST:



Cliff O'Neill, City Manager

APPROVED AS TO FORM:



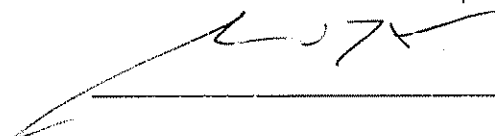
Gerald W. Hunt, City Attorney

JPA 02-144-Amendment 1

APPROVAL OF THE CITY OF SOMERTON ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, by and through its DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF SOMERTON and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement

DATED this 1st day of JULY, 2003



Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE 602.542.8855

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-2048TRN (JPA 02-144- Amendment 1), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED July 15, 2003.

TERRY GODDARD
Attorney General

A handwritten signature in cursive script that reads "Susan Davis".

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

/ss

att.